



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To
Unallocated Amounts of Proofs Of Claim**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Unallocated Amounts of Proofs Of Claim ("Unallocated Amount") [DE 8700] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 8700] is sustained;

1 2. The Proofs of Claim listed on **Exhibit A** attached are disallowed to the
2 extent the amount of the claim as stated on the face of proof of claim exceeds the amount
3 of the claim supported by the documentation provided with the proof of claim, i.e., the
4 Unallocated Amount as shown on **Exhibit A** attached; and

5 3. This order concerns only the Unallocated Amount of the claim and not any
6 other claim of the claimants.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*
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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
party has approved, disapproved, or failed to respond to the
document]:

10 Counsel appearing: _____

11 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
12 copy of this order with the motion pursuant to LR 9014(g), and that
13 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
17 Other Party: _____	
18 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
19 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:
22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust

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26 # # #

USACM Trust
Unallocated Amounts Of Proofs Of Claim
Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because The Trust Could Not Allocate Amount to a Specific Direct Lender Loan
10725-02393	1/16/2007	Donald P Clark Family Trust	Donald P Clark Ttee 305 W Moana Ln Ste C Reno, NV 89509	1,118,023.12	34,649.10
10725-02368	1/16/2007	Downey, William	3637 Larch Ave Ste 3 South Tahoe, CA 96150	800,328.86	164.43
10725-02201	1/10/2007	Duberg, John H	4455 Vista Coronado Dr Chula Vista, CA 91910-3234	87,877.81	134.14
10725-02405	1/17/2007	Dunbar Rlt Dtd 11/21/98	Donald C & Wanda Dunbar Ttees 20282 Bordeaux Drive Reno, NV 89511	1,459,731.24	11,865.62
10725-02223	1/12/2007	Eleanor L Rogers 1991 Revocable Trust Dtd 7/3/91	C/O Eleanor L Rogers Ttee 78 Seal Rock Dr San Francisco, CA 94121	608,719.56	4,359.78
10725-00545	10/10/2006	Elias Family Trust Dtd 5/19/04	C/O Donna M Elias Successor Ttee 9900 Wilbur May Pkwy Apt 502 Reno, NV 89521-4014	250,000.00	3,905.24
10725-02154	1/12/2007	Ellen V Dustman & Oliver Henry	440 Calhoun St. Port Townsend, WA 98368	303,169.26	1,584.63
10725-02305	1/13/2007	Erven J & Frankie J Nelson Trust	C/O Erven J Nelson Trustee 2136 River Of Fortune Drive Saint George, UT 84790	900,000.00	25,000.00
10725-01438	11/14/2006	Evans, Richard Z	10409 Summershade Ln Reno, NV 89521-5168	153,283.00	4,271.41
10725-02184	1/12/2007	Everett, John P	Heart Clinics Northwest 122 W. 7Th Ave., Suite 310 Spokane, WA 99204	423,138.00	1,569.00

EXHIBIT A

2424558.1